

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>ERNEST B. DIGGS, JR.,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION 13-0052-CG-M</b>
	)	
<b>DEWAYNE ESTES,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

After due and proper consideration of the issues raised, and a de novo determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that this habeas petition is **DENIED** as this Court does not have jurisdiction over it, and that this action is **DISMISSED**. It is further **ORDERED** that any certificate of appealability filed by Petitioner is **DENIED** as he is not entitled to appeal in forma pauperis.

**DONE and ORDERED** this 23rd day of September, 2013.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE